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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,363	06/13/2005	Gilles Jean-Albert Bernard Dubois	034452-001	6043
21839 7590 08/03/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER MCMILLAN, JESSICA L	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/538,363

Applicant(s)

DUBOIS, GILLES JEAN-ALBERT  
BERNARD

Examiner

Jessica L. McMillan

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-33 is/are allowed.
- 6) ☒ Claim(s) 22-30 and 34-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Objections*

Claim 25 is objected to because of the following informalities: on line 1, the word "hosing" should be replaced with "housing" to correct for typographical error.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by **Chen (US 6,305,819)**.

Regarding **claim 36**, Chen discloses a mobile illuminating device comprising a generally cylindrical housing (10) defining a longitudinal axis (X-X), the device including: illuminating elements (35) fixed on an axially extending support plate (34); electrical connecting means (see abstract) between said illuminating elements and a power source (41); the housing (10) being in one piece and made of transparent material, the housing forming at least one internal receptacle (12), wherein a surface of said housing presents an opening (16) through which extends a push button (36) disposed on said support plate.

Regarding **claim 37**, Chen discloses the device according to claim 36, wherein said opening (16) is circular in shape and is located on an axis parallel to the axis (X-X).

Regarding **claim 38**, Chen discloses the device according to claim 36, wherein the illuminating elements comprise light emitting diodes (35).

***Claim Rejections - 35 USC § 103***

Claims 22-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen (US 6,305,819)** in view of **Reiff et al. (US 2002/0191396 A1)**.

Regarding claim 22, Chen discloses a mobile illuminating device (figure 1) comprising a generally cylindrical housing (10) defining a longitudinal axis (X-X), including: illuminating elements (35) fixed on a support plate (34) extending substantially along the axis (X-X); electronic connectors (see abstract), a battery power source (41); the housing (10) being in one piece and made of transparent material (column 1, line 63), wherein the housing forms an internal axial space (see figure 2), an axially extending section of which space being divided into at least first (figure 2, right and left sides) and second (figure 2, middle portion) axially extending internal receptacles occupying respective circumferentially adjacent portions of the axial section: the first receptacle (right and left sides of figure 2) being of generally semi-cylindrical shape; the second receptacle (31) configured as a battery receptacle for receiving the battery power source. Chen is silent about the support plate extending along a longitudinal (X-X) axis and the first receptacle defining a plane rectangular zone occupied by the support plate. Reiff et al. discloses a support plate (78) that extends along a longitudinal axis and a receptacle that defines a plane rectangular zone (see

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figures 3, 4 and 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a support plate that extends along a longitudinal direction and receptacle that defines a rectangular zone to the device of Chen as taught by Reiff et al. in order to support a particular design of the illuminating device in order to obtain a desired illumination from the device.

Regarding claim 23, Chen further discloses a manual grip (14) surrounding portions of the at least first and second receptacles.

Regarding claim 24, Chen further discloses at two receptacles (see figure 2) extend along substantially the entire length of housing (10).

Regarding claim 25, Chen further discloses housing with stoppers (20) and (381) and means for electrical connection of the battery power source (22).

Regarding claim 27, Chen further discloses an opening (16) located on the housing opposite the push button (36).

Regarding claim 30, Chen further discloses light emitting diodes (35; see column 2, lines 17-19).

Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen (US 6,305,819)** and **Reiff et al. (US 2002/0191396 A1)** as applied to claim 22 above and further in view of **Hsien (US 6,802,622 B2)**.

Regarding claim 26, Chen and Reiff et al. disclose the device according to claim 22 but are silent about a perforated plate. Hsien discloses a perforated plate (40) that is disposed over lighting elements (31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a perforated plate over the lighting elements in order to help reflect the light emitting from the light source in a desired direction to provide a desired illumination.

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen (US 6,305,819)** in view of **Hsien (US 6,802,622 B2)**.

Regarding claim 34, Chen discloses a mobile illuminating device comprising a generally cylindrical housing defining a longitudinal axis (X-X), the device including: illuminating elements (35); electrical connecting means (see abstract), the housing (10) being in one piece and made of transparent material (column 1, line 63), the housing presenting at least one internal receptacle (31). Chen is silent about a perforated plate. Hsien discloses a perforated plate (40) that is disposed over lighting elements (31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a perforated plate over the lighting elements of in order to help reflect the light emitting from the light source in a desired direction to provide a desired illumination.

Regarding claim 35, Chen further discloses illuminating elements that comprise light emitting diodes (35; see column 2, lines 17-19).

***Allowable Subject Matter***

Claims 31-33 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: prior art of record taken alone or in combination, fails to disclose or render obvious, a mobile illuminating device comprising a removable part located on a plane rectangular zone defined by the housing along a longitudinal axis and means for removably fixing a removable part on a housing, in combination with the rest of the limitations of the claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

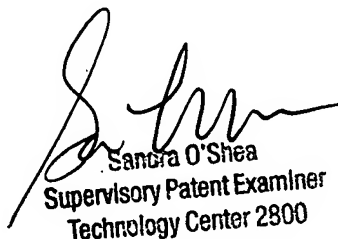
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. McMillan whose telephone number is (571) 272-5510. The examiner can normally be reached on 8:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLM  
July 27, 2007



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